

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANGELO MAHER,

Plaintiff,

21 cv 10653 (PKC)

-against-

ORDER

NUSRET NEW YORK LLC,

Defendant.

-----X  
CASTEL, District Judge:

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise the issue of subject matter jurisdiction sua sponte.

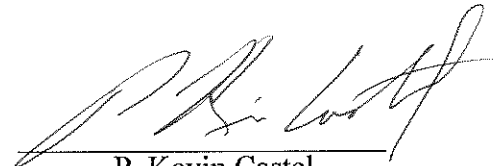
The notice of removal asserts that this Court has subject matter jurisdiction based on the existence of a federal question, 28 U.S.C. § 1331. No federal question is alleged in the plaintiff's complaint that raises claims solely under state and local law. The purported basis for federal question jurisdiction is that the "Defendant expects this case to present issues under the Federal Arbitration Act. . . ."

The Federal Arbitration Act, 9 U.S.C. § 1 et seq., does not independently confer subject matter jurisdiction on federal district courts. Durant, Nichols, Houston, Hodgson & Cortese-Costa P.C. v. Dupont, 565 F.3d 56, 63 (2d Cir. 2009). See generally Moses H. Cone Memorial Hospital v. Mercury Construction Corp., 460 U.S. 1, 25 n. 32 (1983) ("The Arbitration Act is something of an anomaly in the field of federal-court jurisdiction. It creates a body of federal substantive law establishing and regulating the duty to honor an agreement to arbitrate, yet it does not create any independent federal-question jurisdiction under 28 U.S.C. § 1331 . . . or otherwise."). "There must be an independent basis of jurisdiction before a district

court may entertain petitions under the Act.” Harry Hoffman Printing, Inc. v. Graphic Communications, International Union, Local 261, 912 F.2d 608, 611 (2d Cir.1990).

Let defendant show cause in writing by December 21, 2021 why this case ought not be remanded to Supreme Court, State of New York, New York County from where it was removed.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'P. Kevin Castel', is written over a horizontal line.

P. Kevin Castel  
United States District Judge

Dated: New York, New York  
December 14, 2021